IN THE HIGH COURT OF BOMBAY AT GOA

MISCELLANEOUS CIVIL APPLICATION NO. 112 OF 2005
IN FIRST APPEAL NO. 27 OF 1991

Shri Mulla Mohammattd Yacub,
major, married, r/o Shapur,
Ponda, Goa. ... Applicant.

Versus

1. Shri Mulla Ali (since deceased)
represented by his L.Rs. & Ors. ... Respondents.

Mr. P.A. Kholkar, advocate for the applicant.

Mr. S. S. Usgaokar, advocate for the respondents, absent.

CORAM : S. S. PARKAR, J.

DATE : 8th June, 2005.

ORAL ORDER

The Appeal as well as the cross-objections filed in the said appeal had already been disposed of as the Appeal was withdrawn and the cross-objections were dismissed, after hearing the parties. It is claimed in this application, that the parties are entitled to receive the amount as per the arbitration award dated 30th November, 1990, made in Arbitration Reference no.1/86. It is stated that the applicant was the respondent no.6 in First Appeal No.27/91. He alongwith three other respondents were in fact each entitled to equal share out of Rs.12,009.79p. In Misc. Civil Application No.625 of 2002, made on

behalf of the other respondents, the present applicant was arrayed as respondent no.9. That application was granted by this Court by Order dated 31st October, 2002. It is stated that since this applicant was at the relevant time abroad, he could not apply for withdrawal of the amount which was deposited in this Court in First Appeal No.27/91. It is stated that a sum of Rs.3002.45p. falling to the share of the applicant is lying in this Court and the applicant is entitled to withdraw the said amount alongwith proportionate interest accrued thereon in terms of the award dated 30th November, 1990.

2. In the circumstances, this application is allowed in terms of prayer clause (a) of the application.

S. **S. PARKAR, J.**

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